

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Detroit District July 12, 2005

FILE NUMBER: 05-145-047-0

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** N
At the project site (Y/N) Y

PROJECT LOCATION INFORMATION:

State: Indiana
County: Lake
Center coordinates of site by latitude & longitude coordinates: lat:41-24-29.0160 lon:87-20-21.0120
Approximate size of site/property (including uplands) in acres
Name of waterway or watershed: Smith Ditch

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The two wetlands determined to be isolated were identified as Section II (0.52 acres) and Section III (0.20 acres). Section II is a shallow spot of Pewamo clay that impounds water and probably was created in the course of the construction of the RR tracks that abut the site. Section III is likewise a shallow indentation of Pewamo clays and likely held water briefly in the spring. Section III fringes a woodlot and probably receives heavy run-off from an adjacent development, which has led to longer periods of inundation/near-surface hydrology conditions. Both sites could be described as scrub-shrub or emergent pothole wetlands that are not part of a tributary system to navigable waters.